UNITED STATES DEPARTMENT OF COMMERCE
National Institute of Standards and Technology

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

AUG 14 2009

Jules Naudet
(b) (6) [redacted]

Dear Mr. Naudet:

The National Institute of Standards and Technology (NIST) recently has received requests under the Federal Freedom of Information Act (Title 5 U.S.C. 552) (FOIA) for the photographs and videos NIST collected as part of its investigation of the collapse of the World Trade Center Towers (Buildings 1 and 2) and World Trade Center Building 7. A copy of the FOIA requests and your submission(s) are attached to this letter. During the course of its investigation, NIST received thousands of photographic and video images from hundreds of photographers.

Under the FOIA, the Government is required to release to a requester copies of documents it has in its files that are not otherwise protectable by an exemption to the FOIA. One particular exemption, exemption (b)(4), allows the Government to withhold from disclosure any records, or portions thereof, which contain "trade secrets and commercial or financial information obtained from a person and privileged or confidential." 5 U.S.C. § 552(b)(4).

If you submitted photographic or video images to NIST for its World Trade Center investigation and if you believe that some or all of the images you provided should be withheld you must notify NIST in writing within seven (7) working days (i.e., excluding Saturday, Sunday, and legal public holidays) from the date of receipt of this notice, explaining why the information is commercial or financial information that is privileged or confidential. In order to protect information under exemption (b)(4), your written response should explain, in detail, how disclosure of your images would cause substantial competitive harm or impair the Government's ability to obtain similar information in the future. A conclusory statement, to the effect that the information is confidential because releasing it could cause substantial competitive harm, will not suffice. You may notify the NIST FOIA Officer of your position by sending an email to Catherine.fletcher@nist.gov or by mailing a letter to:

NIST Freedom of Information Act Officer
Mail Stop 1710
100 Bureau Drive
Gaithersburg, Maryland 20899-1710

official file copy

CONTROL #		WRITER:	
SURNAME	DATE	SURNAME	DATE

NIST does not have current contact information for all of the photographers whose images were submitted for the NIST WTC Investigation. If you know a photographer whose images were submitted to NIST, please notify them of this notice.

Two separate FOIA lawsuits were filed for these records on May 28, 2009 and June 15, 2009. Therefore, time is of the essence in processing this request. If we do not receive a timely response from you, your images might be released to the FOIA requester.

Thank you for your assistance. If you have any questions, please contact the NIST FOIA Officer by telephone at (301) 975-4074, by e-mail at Catherine.fletcher@nist.gov or by letter at:

NIST Freedom of Information Act Officer
Mail Stop 1710
100 Bureau Drive
Gaithersburg, Maryland 20899-1710

Sincerely,

Catherine S. Fletcher
Freedom of Information Act Officer

Enclosures